

REMARKS

Claims 1-11 are pending in this application. By this Amendment, claims 1 and 5-7 have been amended. No new matter is contained in the amendments presented herein.

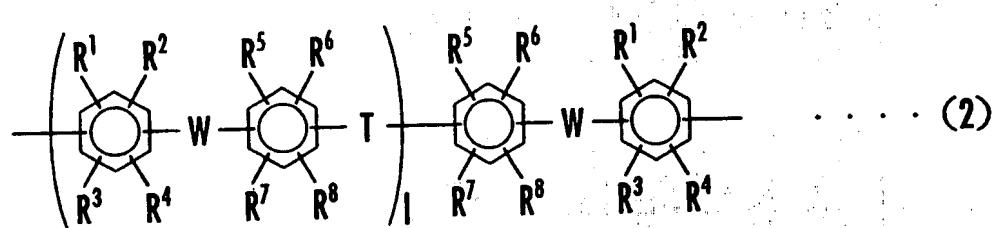
Claims 1-11 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Asano et al. (U.S. Patent No. 6,926,984). Applicants respectfully traverse this rejection.

Asano et al. is cited for allegedly disclosing in Example 1 an ion-conducting, aromatic polymer membrane made of a sulfonated polyarylene represented by Formula (4), which is formed into a polymer electrolyte membrane (1). Diffusion layers (21, 31) were also formed. Catalyst particles comprising platinum carried on furnace black at a weight ratio of furnace black:platinum of 1:1 were uniformly mixed with a solution of an ion-conducting binder to prepare a catalyst paste where the platinum content was 0.5 mg/cm² and then formed into catalyst layers (22, 32). The polymer electrolyte membrane (1) is sandwiched by the catalytic layers (22, 32).

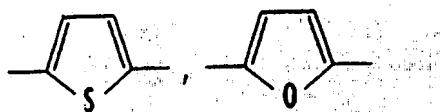
Although the polymer electrolyte fuel cell disclosed in Asano et al. may include polymer membranes formed from sulfonated polyarylene-based polymers, Asano et al. fails to disclose or suggest a polymer electrolyte membrane formed by a sulfonated polyarylene as a copolymer consisting of 0.5 to 100% by mol of a first repeating unit represented by the general formula (1)



and 0 to 99.5% by mol of a second repeating unit represented by the general formula (2)



wherein **A** is a divalent organic group selected from the group consisting of groups such as -O-, -S-, -CH=CH-, -C≡C-, and electron donating groups represented by



and a benzene ring includes its derivative.

Applicants therefore respectfully submit that the presently claimed invention is not anticipated by Asano et al.

Under U.S. patent practice, a reference must teach every element of a claim in order to anticipate the claim under 35 U.S.C. § 102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim . . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Applicants respectfully submit that, for the reasons set forth above, Asano et al.

fails to disclose all features of the pending claims. Accordingly, Asano et al. does not anticipate claims 1-11.

Further, Asano et al. cannot be used in rejecting claims 1-11 for obviousness, pursuant to 35 U.S.C. § 103(c). Applicants hereby state that Asano et al. (U.S. Patent No. 6,926,984) and the present application (U.S. Appl. No. 10/714,394) were, at the time the invention of U.S. Appl. No. 10/714,394 was made, both commonly owned by or subject to an obligation of assignment to Honda Motor Co., Ltd.

Applicants respectfully request that the rejection of claims 1-11 as allegedly being anticipated by Asano et al. be withdrawn.

CONCLUSION

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-11, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Applicants believe that no additional fees are required in connection with this Amendment. However, if additional fees are required, the Commissioner is hereby authorized to charge any additional payment, or credit any overpayment, to Deposit Account No. 01-2300, referencing docket number **101175-00037**.

Respectfully submitted,


Dawn C. Russell
Dawn C. Russell
Registration No. 44,751
Attorney for Applicants

Customer No. 004372
AREN'T FOX LLP
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810